

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00128-MR-WCM

NANCY BARNETT and)
MARK GARDNER,)
)
Plaintiffs,)
)
v.)
)
STATE FARM FIRE AND)
CASUALTY COMPANY)
)
Defendant.)
)

ORDER

This matter is before the Court on a Motion to Stay Rule 26(f) and Local Rule 16.1 Requirements (Consent) (the “Motion to Stay,” Doc. 5) filed by Plaintiffs.

By the Motion, Plaintiffs request an order staying the requirements of Local Civil Rule 16.1 and Rule 26(f) of the Federal Rules of Civil Procedure pending resolution of a motion to remand that Plaintiffs' expect to file. Plaintiffs state that they sent a draft of the motion to defense counsel and had agreed to wait until "at least Wednesday" (presumably May 26, 2021) to file the motion to determine if Defendant will consent to the relief sought. Doc. 5 at 3.

The undersigned finds that deferring the deadline for the parties to submit a Certificate of Initial Attorneys' Conference is reasonable under these

circumstances but also finds that a deadline should be established by which Plaintiffs must file the motion to remand, to ensure that this case proceeds forward without unnecessary delay.

IT IS THEREFORE ORDERED that:

1. The Motion to Stay Rule 26(f) and Local Rule 16.1 Requirements (Consent) (Doc. 5) is **GRANTED** and the deadline for the parties to submit a Certificate of Initial Attorneys' Conference is **TEMPORARILY STAYED**.
2. On or before June 7, 2021:
 - a. Plaintiffs shall file the motion to remand referenced in the Motion.
 - b. In the alternative, the parties shall file a Certificate of Initial Attorneys' Conference.

Signed: May 28, 2021



W. Carleton Metcalf
United States Magistrate Judge

